

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Renewal of Special Recreation Permits

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0006-DNA

For Further Information Please Contact:

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BLM



Worksheet
Documentation of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: Miles City Field Office

NEPA Number: DOI-BLM-MT-C020-2013-0006-DNA

Case File/Project No: SRP Numbers; see table below

Proposed Action Title/Type: Renewal and authorization of two Special Recreation Permits throughout the Miles City Field Office. Permits will be renewable for a 10 year period.

Location/Legal Description: The lands discussed under this document lie within the following counties: Bighorn and Rosebud. See attached map A for the general location of ranches with Bureau of Land Management administered lands covered in this DNA. The Powder River RMP of 1985 and Big Dry RMP of 1996 are the current documents.

A: Description of the Proposed Action: The proposed action consists of approving the use of public lands within the following ranches for guided hunting:

<u>Applicant and Address:</u>	<u>Ranches to be guided on:</u>	<u>SRP Number</u>	<u>Acres BLM, % BLM</u>	<u>County</u>
<i>Cedars & Sage Outfitters</i> Dick and Laurie Hosford 29 Diamond Cross Ranch Lane Birney, MT 59012	Quarter Circle U Ranch (Tim Lohof, Mngr.) Rancholme Cattle, LPI (Mark Moreland)	MT020-12-003 Renewal SRP	17,072 acres 19.7%	BigHorn Rosebud
<i>Majestic Mountain Outfitters</i> Jeff Chadd P.O. Box 5036 Forsyth, MT 59327	Vassau's Flying X (Arnold Vassau)	MT020-12-002 Renewal SRP	6,076 acres 12%	Rosebud

The ranches to be outfitted on include approximately 23,148 acres of public lands. Outfitters would not receive any special consideration regarding access, other than the ability to access the existing road network through the private lands they lease. More than one outfitter

can be permitted for the same parcel of public land. Those public lands within the affected ranches that have public access would be available for general public use (hunting). No off road travel would be allowed.

Mitigating measures are attached as stipulations to the Special Recreation Permit for Commercial Outfitters. These stipulations cover general, sanitation and aesthetics, fire, campsite, and livestock use rules of operation, see attachment A.

Counties:

DNA Originator: Dena Sprandel-Lang, Outdoor Recreation Planner

B. Land Use Plan (LUP) Conformance

LUP Name* Powder River RMP Date Approved 1985

LUP Name* Big Dry RMP Date Approved 1996

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions)

Page 5 and 12 of the Record of Decision, Powder River RMP; approved in 1985 stating that “access to more public land for future recreation potential will be sought.”

Page 17 of the Record of Decision, Big Dry RMP; approved 1996 stating that “guides and outfitters and other permitted recreational uses will be authorized according to the Special Recreation Permit Guidelines for Montana, North and South Dakota (USDI, BLM 1987c). Outfitting and guiding will be authorized on a first come, first served basis...”

C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

Outfitting EA; #MT-020-2001-129, approved 4/30/2001
Cultural Project Number: MT-020-11-28

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are

differences, can you explain why they are not substantial? Yes. The proposed action is the same as analyzed in the Outfitting EA MT-020-2001-129 and the Big Dry/Powder River RMP EIS's.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values? Yes. The No Action Alternative and Proposed Action Alternative were analyzed. Outfitters and guides are subject to the same travel restrictions as the general public that are placed on all BLM lands in eastern Montana. FLPMA requires payment of fair market value for any commercial use of public lands; therefore the primary purpose of permitting is to assure the return of fair market value not to mitigate human damage to the federal land.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action?

Yes. As stated in item #2, the primary purpose of permitting is to assure the return of fair market value. Impacts to the land caused by actual hunting are regulated by OHV policy and impacts to game populations are managed by the Montana Fish, Wildlife, and Parks. There is no new information or circumstances that would warrant changes.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? Yes, the direct, indirect and cumulative effects are similar to those analyzed in the existing EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes. Public involvement occurred in the establishment of policy regarding guiding in Montana, and the policy was addressed in the Powder River RMP of 1985 and Big Dry RMP of 1996, which was also developed with public input and review.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>	<u>Initials & Date</u>
Will Hubbell	Archeologist	Cultural Resources	MT-020-13-014 <i>WH</i> 10/17/12
Jesse Hankins	Wildlife Biologist	Wildlife	<i>JCH</i> 10/15/12
Brenda Witkowski	Natural Resource Specialist (Weeds)	Weeds	<i>BW</i> 10/15/12
Dena Lang	Outdoor Rec Planner	Recreation	<i>DJL</i> 9/17/2012
Shane Findlay	Supervisory Land Use Spec.	Recreation	<i>SDF</i> 10/25/12



Environmental Coordinator

10/31/2012
Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

CONCLUSION

☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked



10/31/2012

Signature of the Responsible Official

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on the DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENT A

STIPULATIONS FOR COMMERCIAL OUTFITTER PERMITS MILES CITY FIELD OFFICE September 2012

General

1. Permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to the BLM upon request for analysis by authorized representatives of BLM or other Federal agencies authorized to review BLM's permitting activities. All such permittee records will be furnished upon request as outlined in 43 CFR 2930.
2. A post hunting season use report is due by December 31 of each year the permit is in effect. Failure to submit a timely post use report may result in probation, suspension or cancellation of your permit. The post use report must include: locations used, participant numbers, revenue collected.
3. End-of-season use payments are due within 30 days of BLM's billing date. Late payment of fees, including pre-season, partial, and end-of-season payments, may subject permittee to remedial action: probation, suspension and/or revocation. Interest and administrative handling charges will be assessed for late payments.
4. No alterations to the intended use area will occur without first contacting the authorized officer for permission to revise the permit.
5. Prior to each hunting season all permittees will be required to disclose to the Miles City Field Office any changes to their area of operations. This would include any ranches dropped from your hunt area, and also any new ranches added to your hunt area. You are only required to report ranches that contain BLM in-holdings.
6. The permittee must notify the authorized officer immediately of any supplemental area authorizations obtained from the State.
7. It shall be a requirement that an outfitter have a current signed lease agreement with the ranch operator in order to be considered for a Federal permit to outfit on the public lands that occur within the boundaries of a specific ranch.
8. Permittee, employees, and clients will not interfere with other valid uses occurring on public land such as grazing, mining, and other recreational uses (including commercial and private).
9. The BLM reserves the right to close various sites and/or areas of the public land to prevent resource damage and use conflicts and to promote visitor safety.

10. Permittee is responsible for knowing where Wilderness Study Areas (WSAs) and other special management areas are and use restrictions that may apply to such areas. Maps and information concerning restrictions are available at local BLM offices.
11. Permittee is responsible for knowing and complying with off-highway vehicle (OHV) designations and restrictions that may exist within the area of operation. Permit issuance does not waive any OHV use restrictions. All motor vehicles will remain on existing roads and trails or in accordance with existing off-road vehicle designations. OHV information is available at the local BLM office.
12. A multi-year permit is not valid unless the permittee is in compliance with all permit terms and conditions. Compliance includes the annual submission of a copy of a current Montana outfitters license and proof of current liability insurance that includes the BLM as "other insured."
13. All facilities will be temporary. The permittee will normally be allowed to install facilities ten (10) days prior to the use period, and will have ten (10) days after the use period to dismantle them. Facilities will be limited to those necessary and approved for the permitted activity. Location and design of all facilities will be approved by the authorized officer and a fee determined where required.
14. Issuance of a permit by BLM does not guarantee legal access to public lands. Access to public lands by the permittee is assured only when legal access for the general public is available. Where legal public access is not available, it is the permittee's responsibility to obtain permission from the landowner(s) to travel through or use private lands.
15. The BLM has no authority to permit or regulate use of non-BLM land (i.e., private, state, and other Federal) unless provided for by cooperative agreement.
16. Issuance of a permit by BLM for a specific public land area does not guarantee or grant exclusive use of that area. This permit shall not be construed in any way so as to prevent public use or access on any public land except as expressly allowed under this permit.
17. Permittee is responsible for all actions of employees and clients on both public and private lands.
18. No one shall intentionally or wantonly destroy, deface, remove, or disturb any public building, sign, equipment, marker, or other government property, cultural sites, historic structures, natural features of the land, vegetation, or wildlife, except as legally taken.
19. Only signs authorized by the BLM in writing will be permitted on public lands.
20. State and local laws and ordinances apply to all BLM-administered public land. This includes, but is not limited to, laws and ordinances governing (a) operation and use of motor vehicles, aircraft, and boats; (b) hunting and fishing; (c) use of firearms; (d) injury to persons or destruction of property; (e) air and water pollution; (f) littering; (g) sanitation; and (h) use of fire.

21. Permittee shall inform all employees and clients of the terms and conditions of the authorizing permit.
22. Nothing in this permit will be construed as license for the permittee, employee, or clients to use areas of the public lands which are otherwise restrictive or closed (e.g., restrictive off-highway vehicle designation areas).
23. There will be no harassment of livestock, wildlife, or destruction of private or public improvements such as fences and gates. Gates will be left open or closed, as they were found.
24. For multi-year permits two consecutive seasons of non-use may result in cancellation of the permit and would require the permittee to apply for a new permit.
25. Permittee will notify BLM of any accidents occurring on the public lands which result in loss of life, loss of consciousness, disabling of individuals in excess of 24 hours, individuals having to secure off-site, professional medical treatment, or property damage in excess of \$200. Permittee will submit a detailed written report to BLM within 10 days from the date of the accident.
26. Recreation fees due to the Government must be paid in advance of any authorized use to ensure that the Government receives payment. This permit will only remain valid if annual fees have been paid and calculated use fees. For multi-year permits, over-payment of fees should be applied to the following year's use.
27. The BLM reserves the right to alter the terms, conditions, or stipulations of a permit at any time for reasons such as significant policy changes, administrative procedure or stipulations changes, impacts to resource values, user conflicts, noncompliance with permit stipulations, unacceptable performance, etc.
28. The BLM and its cooperators, shall at all times have the right to enter the premises located on public land on official business. The permittee shall allow reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.

Sanitation and Aesthetics

1. Operation and maintenance of all sanitation, food service, and water supplies, systems, and facilities shall comply with the standards of the local department of health and the United States Public Health Service.
2. Permittee shall dispose of refuse resulting from the permitted use, including waste materials, garbage, and rubbish of all kinds in the following manner, and shall guard the purity of streams and waters:
 - (a) All non-combustible refuse and all unburned combustible refuse must be carried out of the area and disposed of in an approved disposal site. Burying garbage pits is prohibited.

- (b) The use of small portable toilets is required for all outfitter camps that are serviced by motor vehicle. At a minimum, sanitation facilities will consist of a slit trench or pit toilet 8 to 10 inches in diameter and 6 to 20 inches deep. Facilities will be placed in porous soil in high ground at least 200 feet from all water sources. After use, fill the hole with loose soil and tramp in the top soil or sod on top. Nothing other than human waste may be deposited in a pit toilet. Toilet paper should be carried out. Use a single large latrine around camp rather than several small ones.
 - (c) The use of soaps, detergents, or bleaches in springs, lakes, and streams will not be allowed. Waste water must not be dumped within 50 feet of springs, lakes, and streams or in areas of saturated or impermeable soils.
3. Permittee shall protect the aesthetic values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during set up, operation, and maintenance of the permitted operation. When camps or other facilities are dismantled; the area should be left in a natural state.

Fires

1. Because of the impacts campfires create, their use should be kept to a minimum. Using cook stoves or fire stoves is recommended as an alternative to cooking over campfires. When allowed, campfires shall be small and kept under control. Do not build new rock fire rings. Open fires may be prohibited during certain periods depending on fire danger. Scatter fire rings, firewood, and otherwise attempt to restore the camp location to its apparent natural condition.
2. No campfires will be left unattended. Permittee is solely responsible for all fires which permittee, employees, or clients start.
3. Fires and stoves are prohibited within old cabins, prehistoric or historic structures, alcoves, and caves or near rock art sites.
4. Cutting or gathering firewood from prehistoric or historic structures or from standing trees (alive or dead) or any live plant material is prohibited. Burn only dead and down wood.
5. Permittee may be held responsible for fire suppression costs resulting from wildfire caused by permittee, employees, or clients.
6. Wildfires should be reported immediately to the nearest BLM office. Permittee is responsible for informing employees, clients, and participants of the current fire danger and required precautions that may be placed in effect by BLM or the State of Montana. Check with your local fire department or nearest BLM office for current fire restrictions.
7. Outfitter camps serviced by vehicle are required to haul out ash and charcoal.

Campsites

1. All campsites will be located at least 200 feet from streams or lakes and 300 feet from springs. Facilities must be located so there is minimum conflict with normal trail traffic, stream or lake access, or other public use or access. To the extent feasible, facilities must be screened from view of other recreationists.
2. Standing trees (alive or dead) may not be cut for use in constructing temporary facilities unless prior approval is obtained from BLM's authorized officer.
3. Permittee will maintain all premises to standards of repair, orderliness, neatness, and sanitation acceptable to BLM's authorized officer. Camp areas will be regularly cleaned and no trash or litter will be allowed to accumulate.
4. Food and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer. Location of proposed caches must be described in the permit application.
5. Camps and use areas will be maintained in a neat and clean condition with no litter.
6. Authorization for use of livestock for transportation is temporary and will not establish a priority for future use.
7. Issuance of an SRP does not authorize the permittee's use of public campgrounds.
8. Issuance of an SRP does not guarantee the permittee's use of any specific campsite(s) unless the permittee has reserved the site.
9. Cook tents, latrines, corrals and hitching racks must be located at least 200 feet from the nearest spring, stream, lake, or reservoir, unless such use is otherwise prohibited. Camps will be located to avoid conflict with normal trail traffic and stream or lake access, and out of sight of major trails when possible.
10. All temporary improvements must be described in the plan of operation portion of the permit application and are subject to approval by BLM's Field Manager.
11. No permanent structures or improvements will be allowed to remain after the permitted use. This includes things such as corrals, picnic tables, hanging poles, etc.

Livestock Use

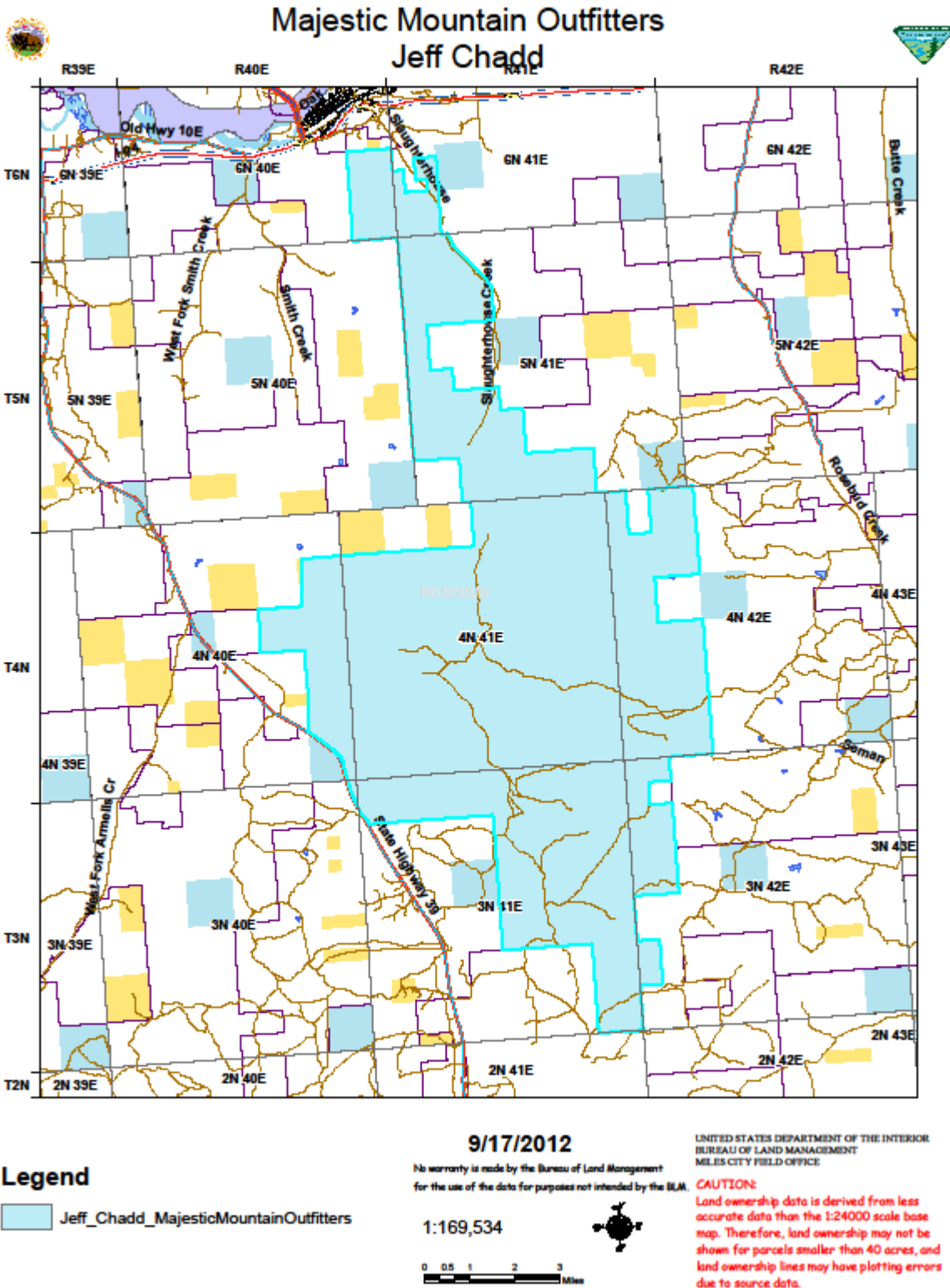
1. When feed for livestock is provided by the permittee, it must be certified weed seed free by the Montana Noxious Weed Seed Free Forage Inspector or County Weed and Pest Control. It is recommended that weed-free oats or pellet feeds be used rather than hay. In some areas, weed-free oats or pellet feeds are required and grazing of riding or pack stock is prohibited.

2. When the permittee is authorized to graze riding or pack stock on public lands, fees for that use will be based on rates prescribed for grazing under the regulations for range management, Code of Federal Regulations 4100.
3. All animals will be under control in route and in camp to protect wildlife, other livestock, and range forage.
4. Do not tie, corral, or picket animals within 200 feet of any lake, stream, main trail, or developed campground. If it is necessary to keep stock tied for an extended length of time select a site where damage to vegetation is minimized.
5. Lost or dead animals will be reported within 48 hours of end of trip. An appropriate response will be determined by the Authorized Officer.
6. Do not lead, ride, tie, corral, or picket animals within 100 feet of any archaeological site.
7. Stock may not travel in streams except when crossing.
8. Construction of permanent fences or corrals is not permitted. Temporary improvements including frames, corrals, or hitching racks may be constructed, provided they are dismantled when the camp is vacated.

I have read all of the above stipulations.

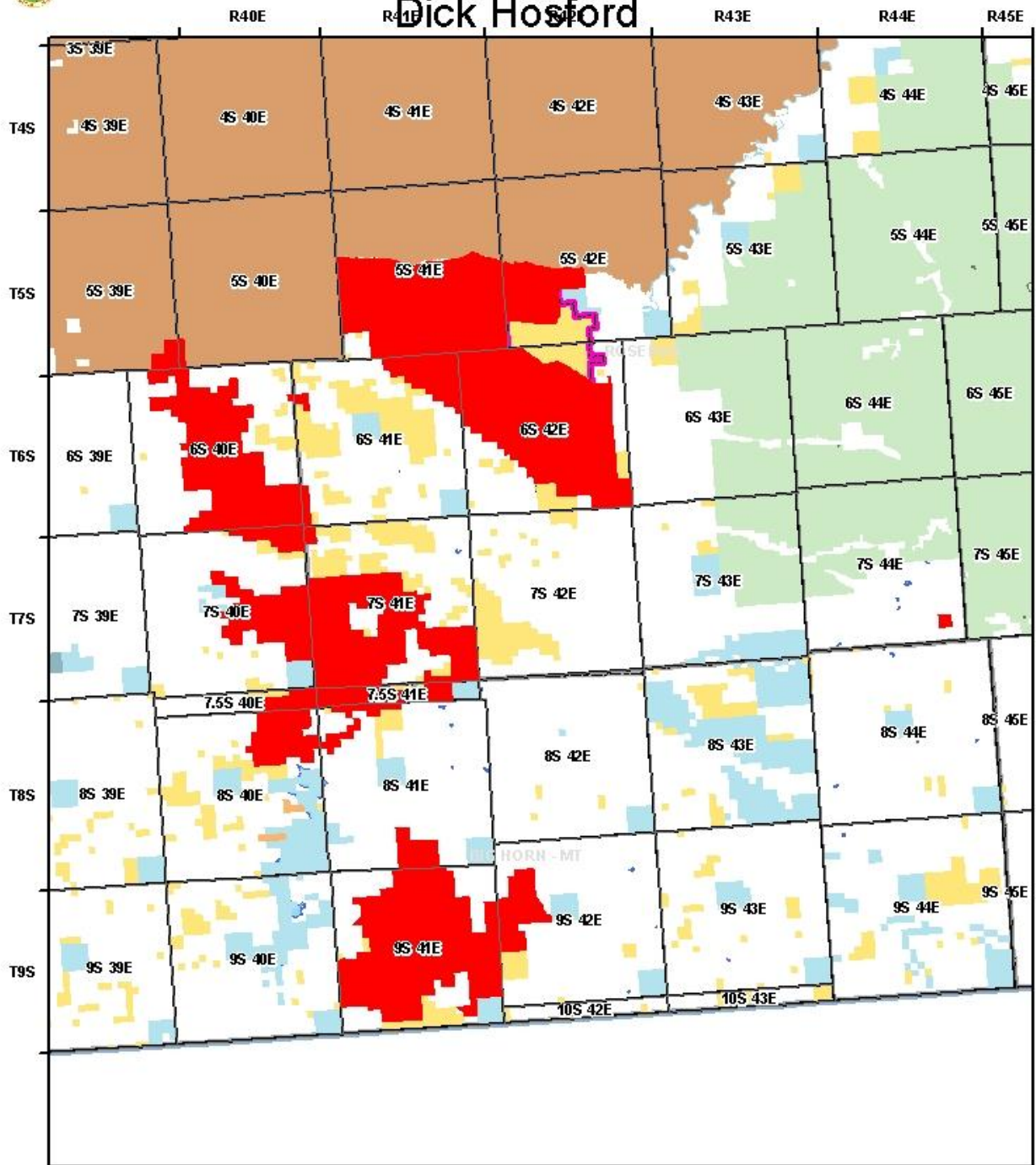
(Signature)

(Date)





Cedars & Sage Outfitters Dick Hosford



Legend

- CedarsSageOutfitters_Hosford_SMA
- WSA_BLM-MT

10/11/12

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

1:311,561

0.05 1 2 3 Miles



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.